

## 2010 Legislative Session

The 2010 Kentucky General Assembly faces many challenges, including a projected billion dollar revenue deficit. The discussion over governmental budget shortfalls and how to reduce deficits and/or raise revenue will most likely be the overarching priority for members. Public safety and criminal justice issues are expected (as has been the case in previous years) to be the subject of a significant portion of bills filed for legislative consideration. Based upon filed bills, the issues of domestic violence, driving while distracted or under the influence of alcohol/drugs, and penal code reform/prisoner re-entry will be addressed by several bills. Additional legislation focuses on abolishing the death penalty, enhancing information sharing about criminal gangs and enforcement of laws to address criminal gang problems, and restoration of voting rights for convicted felons.

The Criminal Justice Commission's Legislative Committee (comprised of representatives from the County Attorney and Commonwealth Attorney's Office, Private Defense Bar, Louisville Metro Police, Public Defender, and citizens) has submitted its 2010 legislative recommendations (see Commission website below for document) to Commission and Jefferson County Legislative Delegation members. Understanding that with budget shortfalls, legislation requiring significant funding will be difficult to pass, the recommendation list is much smaller than in previous years. Statutory changes suggested by the Legislative Committee include making it a felony for corrections/detention staff to engage in sexual contact/intercourse with an inmate, amending the adult guardianship proceedings to make jury trials optional under certain circumstances, and including dating partners among those eligible to obtain domestic violence protective orders. *As in previous years, the Criminal Justice Commission staff will track criminal justice legislation for members and will maintain updates on its website @ <http://www.louisvilleky.gov/CriminalJusticeCommission/>.*

### ISSUE 2

WINTER 2010

#### Grants Update

In partnership with the State Department of Corrections, the CJC received a \$250,000 award through the Second Chance Act. The Second Chance Act grant program help state and local agencies implement programs and strategies to reduce recidivism and ensure the safe and successful reentry back into the community of adults and juveniles released from prisons and jails.

#### Congrats

Congratulations to Reverend Roosevelt Lightsy, Jr., Community Liaison for the Newburg Justice Reinvestment (JRI) Project, for receiving the William E. Summers III Community Service Award from the Interdenominational Ministerial Coalition for his work with the Newburg Youth Council and the Reinvestment Neighborhood Group (RING).

#### District Court Restructure

Commission staff has provided support to the District Court Restructure Project Working Committee, formed in January 2009, and co-chaired by District Court Judges Sean Delahanty and Anne Haynie. The Committee's stated mission is: *In order to enhance the administration of justice and the dignity of the District Courts, the Jefferson District Court Term is evaluating the district court process to determine whether changes could be made which will further judicial accountability, balance the courts' dockets, and promote public access to the judicial system.* This long term study could result in a major reorganization of District Court, modifications to existing practices and procedures, or a recommendation of no change to the existing system. Eight proposals have been presented to the group and the Committee's intent is to brief the District Court Term on the eight proposals and, if change is found to be necessary, consensus-based recommendations will be submitted in early 2010 to the Chief Justice, Kentucky Supreme Court, for his consideration and approval.

#### ARRA Stimulus Grants

Commission staff provide implementation oversight to the Louisville Metro Police Department's ARRA Justice Assistance Grant Day Reporting Center and the E-Subpoena Projects. For each project, the Commission assembled a working group of relevant agency representatives to assist and, as of this update, RFPs have been let and responses are being reviewed. Final selection of a vendor and a contract for work for each project is expected to be in place by March 2010. Commission staff work closely with Metro Louisville at Work personnel to ensure that all grant requirements are met. The Commission has assisted in the implementation of many multi-agency grant projects and has provided oversight to grant expenditures. One of the ongoing multi-year grant initiatives managed by the Commission is the Project Safe Neighborhoods Grant Program which focuses on reducing gun crime within the community. Most notably, for the past seven years, this grant has funded a Project Backfire Specialized Prosecutor and a Program Coordinator within the Jefferson County Attorney's Office.





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2010

### Meeting Schedule

February 18<sup>th</sup>      August 19<sup>th</sup>  
April 15<sup>th</sup>      October 21<sup>st</sup>  
June 17<sup>th</sup>      December 16<sup>th</sup>

*All meetings are 2:00 p.m.*

*David L. Armstrong Crown Room  
Judicial Center, 6<sup>th</sup> Floor*

2009

### Board Members

Judge Judith Bartholomew, Chair

David Stengel, Vice Chair

Mayor Jerry E. Abramson

Kim M. Allen

Mike O'Connell

Colonel John Aubrey

Colonel Robert White

Mark Bolton

Gary Barnes

Clarence Williams, Jr.

Shane Smith

Daniel Goyette

David Tandy

Carla Kreitman

Candy Hill

James L. Balcom

Timothy D. Cox

Paul J. Vido

Judge James Shake

Judge Sean Delahanty

Judge Patricia Walker Fitzgerald

Representative Darryl Owens

Sheriall Cunningham

David L. Nicholson

#### CITIZEN APPOINTEES

Elisa Freeman-Carr

Reverend Charles Duncan

William DeNardi

Roger Henderson

Richard Lewis

Bishop Walter Jones, Jr.

## Driving While Distracted/Under the Influence

Bills prohibiting text messaging and emailing while operating a motor vehicle have been filed for the 2010 General Assembly. If passed, Kentucky would become one of approximately 18 states banning this activity. Additionally, on December 16, 2009 Governor Beshear issued an Executive Order prohibiting the use of text messaging while driving government owned vehicles. A similar ban was passed by the federal government earlier this year. Additionally, federal legislation, known as the Distracted Driving Prevention Act of 2009 (S 1938 and HR 3994), has been filed in both the House of Representatives and the Senate that would ban texting and handheld cell phone use while driving and provides grant funding as an incentive to states meeting the statute's requirements. Consumer Protection groups, such as The Center for Auto Safety (<http://www.autosafety.org/foia-reveals-cell-phone-studies>) pushing this legislation point to findings from the National Highway and Traffic Administration (NHTSA) 2003 Study that identified cell phone use as a serious safety hazard when used on the road and that drivers who text while driving are much more likely to have an accident than undistracted drivers. Recent NHTSA research reported that driver distraction and inattention contributes to 25% of police responded traffic crashes nationwide and that 16% of drivers under 20 involved in fatal crashes were reported to have been distracted while driving. In Kentucky, over 53,000 crashes occurred last year due to driver distraction and inattention, resulting in over 15,000 injuries and almost 200 fatalities. In addition to legislation, national educational initiatives are being stressed and some groups are calling for all new cars to have a device installed to disable cell phones (except for emergency calls) whenever the car is shifted out of park.

Bills have also been filed for the 2010 General Assembly that would increase the use of "ignition interlock devices". As proposed, these bills would give the court discretion to order these devices for convicted DUI offenders who wish to reclaim their driving privileges during the period for which the drivers license has been suspended. For some offenders, these devices could also be required even after the statutory drivers license suspension period. In order to operate a vehicle, these drivers would be required to blow into a machine that measures blood alcohol level and locks the ignition when too much alcohol (blood alcohol concentration or BAC is .02 or greater) is present in the driver's system. The devices require re-tests at periodic intervals and contain anti-tampering devices to ensure accountability. Costs for the installation and use of these devices is incurred by the offender.

## Domestic Violence Legislation

The tragic death of Amanda Ross in Lexington has brought additional focus on the issue of Domestic Violence and as a result, several bills have been filed to assist in keeping victims of domestic violence safe and holding perpetrators more accountable. House Bill (HB) 1, sponsored by Representative Greg Stumbo, would establish an electronic global positioning monitoring system program. At the discretion of the court, some offenders would be required to wear a device so that their whereabouts can be tracked. The victim would also be given the opportunity to carry a similar device that would indicate if the offender had breached the victim's security zone. A risk assessment instrument would be used to assist the Court in determining whether or not to use the device. Offenders would be required to pay for the GPS devices which, according to Representative Stumbo, would cost approximately \$12 a day. HB 1 has

passed the House and is waiting to be addressed in the Senate. Other Domestic Violence legislation includes HB 25 filed by Representative Jody Richards and HB 30 filed by Representative Joni Jenkins which would include dating partners among the class of persons allowed to obtain a domestic violence protective order. Additionally, HB 73 by Representative Mike Denham, would, among other things, prohibit joint mediation, conciliation or counseling requirements within an EPO/DVO and HB 76 also filed by Representative Denham would amend the statutes to enhance the penalty (to Assault Second Degree, Class C Felony) on those offenders who strangle their victims in the course of the physical assault. Strangulation is a high lethality factor in cases of domestic violence and within Jefferson County, a majority of the 2009 domestic violence fatalities have been the result of strangulation.